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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

vs.

Maria Mendoza-Mendoza,
Defendant.

CR 18-00078-3-RCC

GOVERNMENT'S SENTENCING
MEMORANDUM

The United States of America, by and through its undersigned attorneys, hereby submits the following Sentencing Memorandum. Sentencing is currently set for April 2, 2024.

Guideline Calculation:

The government concurs with the PSR's calculation of a base offense level of 12, a total offense level of 32 and the defendant's placement in criminal history category I. This would result in a guideline range of 121 to 151 months, but the plea stipulates to a guideline range of 96 to 120 months, and the government requests the Court accept the plea and impose a sentence within the stipulated plea range.¹

¹ This stipulation in the plea also provides benefit to the defendant, as the statutory maximum for money laundering is 20 years, and the plea caps the defendant's exposure at 10 years. Further, Counts 9 and 10 would have potential to be run consecutively and the

1 **Investigation Overview:**

2 In October 2016, Homeland Security Investigations (HSI) received information
3 about an alien smuggling organization (ASO) moving thousands of people to stash houses
4 across the United States/Mexico border to stash houses in Phoenix, Arizona. The ASO
5 recruited and coordinated load drivers, collected fraudulent documents from smuggled
6 undocumented non-citizens (UNCs), received buy-outs from the families of smuggled
7 UNCs via cash and wire transfer, and provided the smuggling proceeds and fraudulent
8 documents to other members of the ASO both in the United States and in Mexico. Through
9 further investigation, HSI agents were able to identify the main United States-based
10 coordinator of the ASO as Audias Sanchez-Colin.

11 HSI utilized numerous law enforcement techniques, including toll analysis, geo-
12 location of cellular devices, vehicle tracking warrants, indices checks, and physical
13 surveillance and interdicted 24 alien smuggling loads in 12 states, involving 140 UNCs.
14 Based on information obtained throughout the investigation, HSI estimates that over 1,000
15 UNCs have been moved from Mexico into the United States by the ASO, all through the
16 District of Arizona. HSI identified two residences and several motels in the District of
17 Arizona that the ASO utilized as stash houses where the UNCs were held until they (or
18 their family) completed payment for their smuggling journey. After payment, the ASO
19 smuggled the UNCs to their final destination. The ASO utilized numerous funnel accounts
20 to collect millions of dollars in smuggling fees deposited across the United States and
21 withdrawn primarily in the Phoenix, Arizona area.

22 In January 2018, 27 co-defendants, including Sanchez-Colin and Mendoza-
23 Mendoza, were indicted in this matter. Their roles include: United States-based
24 coordinators, coordinators based in other countries, money launderers, funnel account

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28 current plea provides benefit to the defendant by avoiding that potential and dismissing
 those counts.

1 holders, accountants, stash house owners, stash house coordinators, recruiters, and load
2 drivers for this ASO.

3 Specific to the identification of Maria Mendoza-Mendoza, an authorized wiretap on
4 Sanchez-Colin's cell phones beginning in October 2017 revealed that a female who goes
5 by the moniker "Guera" was the Honduras-based smuggler for the ASO. Per the intercepted
6 communications, Guera was responsible for supplying Central American and Mexican
7 UNC's to smugglers operating in and around Altar and Sasabe, Sonora, Mexico. Guera also
8 employed foot guides and money launderers, and smuggled aliens into the United States to
9 work for Sanchez-Colin as load drivers and stash house caretakers. HSI agents met with
10 Border Patrol agents to aid in identifying "Guera." Border Patrol agents disclosed that
11 during the past several years, numerous apprehended UNC's identified a Honduran female
12 known as "La Guera" as the leader of the ASO that made the arrangements to smuggle
13 them into the United States. Border Patrol agents believed this female to be Maria
14 Mendoza-Mendoza, who also goes by the name Roxana Guadalupe Hernandez de Paz, and
15 created a 6-pack photo lineup with Mendoza-Mendoza's picture. More than 10 UNC's
16 positively identified Mendoza-Mendoza as "Guera". Agents also acquired additional
17 identification evidence from passports, social media and witness interviews corroborating
18 that Mendoza-Mendoza was "Guera".

19 A warrant issued for Mendoza-Mendoza on January 18, 2018. She was subsequently
20 arrested while attempting to travel to Guatemala and finally extradited from Honduras to
21 the United States on June 22, 2023.

22 The government also respectfully requests the court incorporate the facts and
23 evidence in the government's detention memorandum (Doc. # 890).

24 **Defendant's Involvement:**

25 The government concurs with the PSR's assessment that the defendant was a leader
26 or organizer in this alien smuggling organization, which involved more than five
27 participants. The defendant's role is evident from her communications with the primary
28 U.S. coordinator, Audias Sanchez-Colin. The defendant's authority is clear in her ability

1 to assess punitive sanctions to organization members who have made mistakes. *Attachment*
 2 *A, p. 101-102*. Her organization included obtaining passports for smuggled persons and
 3 receiving money for the smuggled persons. *Attachment B, p. 165-166*. She aggressively
 4 executed this leadership with threats against the smuggled persons. *Attachment C, p. 385-*
 5 *389*. As the PSR notes, her aggressive control permeates the wire intercepts in this case,
 6 with statements about bleeding out members of the organization and enforcement of
 7 payments. (PSR ¶ 80).²

8 The defendant led the most concerning aspects of the organization. As a Honduras
 9 based coordinator, she acquired a high volume of work for the organization. *Attachment*
 10 *B, p. 161*. This work is reflected in ledgers seized from Sanchez-Colin, which repeatedly
 11 reference this defendant as the coordinator for certain people. *Attachment D*. This also
 12 resulted in significant money to the organization. *Id.* The defendant also posted social
 13 media videos displaying this money. *Attachment E*.

14 In addition to the significant volume of people smuggled, the defendant's
 15 discussions are replete with references to smuggling children. In intercepted
 16 conversations, she references a smuggled child being sick (Bates # 253-54), delivery of a
 17 child to "Carlos" (Bates #821), Sanchez-Colin smuggling a 10-11 year old (Bates #1045),
 18 discussion of a smuggled "kid" urinating blood (Bates 1507-1508), and the incident
 19 referenced in the PSR where Sanchez relayed her instructions to drop off 5 people and 2
 20 kids at a stash house (Bates 1934). (PSR ¶ 103).

21 This defendant also led an organization that posed significant risk to the people
 22 smuggled. As the PSR states, a person was killed at a stash house and firearms and
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24
 25 ² Despite stipulating to a leadership role in her plea, the defendant appears to
 26 partially deny a leadership role or receiving money. This is not a dispute the court need
 27 resolve, as the proposed enhancements are supported by substantial evidence and the plea
 28 stipulates to any variance needed to reach the range the parties have agreed upon. The
 parties do not seek to withdraw from the plea and as such, unless the defendant specifically
 objects or attempts to controvert the facts in the PSR, the court can rely on the evidence
 noted by the PSR and government. *United States v. Saeteurn*, 504 F.3d 1175, 1181 (9th Cir.
 2007).

1 ammunition were found during search warrants. (PSR ¶ 104). As stated above, the
2 defendant herself directly made threats against organization members and smuggled
3 migrants. Further, she repeatedly references people potentially being killed during actions
4 in the smuggling organization. (Bates 801, 1003, 1036, 1051, 2318). The defendant's
5 responses to such violence are cold, as she recounts a co-conspirator saying "they're going
6 to kill me here, they're going to lynch me in Guatemala," and says she replied "I told him
7 'if they lynch you, I don't care.'" (Bates 2318).

8 In short, the government concurs this defendant was a primary leader of an
9 extensive, high-dollar, smuggling organization that realized substantial revenue by
10 smuggling migrants (often children) in dangerous ways.

11 **Sentencing Recommendation:**

12 The government concurs with the PSR's recommendation of 120 months. This
13 sentence is consistent with the application of the sentencing factors outlined in 18 U.S.C.
14 § 3553(a). It takes into consideration the defendant's characteristics, reflects the
15 seriousness of the defendant's conduct, promotes respect for the law, and provides a just
16 punishment that would afford adequate deterrence while protecting the public from further
17 crimes of Defendant. Further, such a sentence would be proportional within the case, as
18 the primary U.S. coordinator, Sanchez-Colin, received a sentence of 120 months. (Docket
19 # 689). A 120 month sentence is appropriate for a leader of an extensive, dangerous
20 organization.

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1 Respectfully submitted this 19th day of March, 2024.

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3 GARY M. RESTAINO
4 United States Attorney
District of Arizona

5 *s/Jared Kreamer Hope*

6 JARED KREAMER HOPE
Assistant U.S. Attorney

7 *s/Ashley Enderle*

8 ASHLEY ENDERLE
9 Assistant U.S. Attorney

10 Copy of the foregoing served electronically or by
11 other means this 19th day of March, 2024, to:

12 All ECF Participants
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